

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

N.S, ARNOLD GACHUPIN,
and JUDY GACHUPIN,

Plaintiffs,

Case No. 1:24-cv-276-JMC-SCY

v.

ALBUQUERQUE PUBLIC SCHOOLS;
LOVIATA MITCHELL, in her individual
capacity, and MANUEL ALZAGA, in his
individual capacity,

Defendants.

**ORDER DENYING AS MOOT DEFENDANT ALBUQUERQUE PUBLIC
SCHOOLS' MOTION FOR JUDGMENT ON THE PLEADINGS
AS TO COUNTS VI AND I OF PLAINTIFFS' COMPLAINT**

On July 24, 2024, Defendant Albuquerque Public Schools filed a motion for judgment on the pleadings (Doc. No. 53). On September 24, 2024, Plaintiffs filed an Amended Complaint (Doc. No. 74). The addition of N.S. as a plaintiff renders Defendant's motion moot. Once Plaintiffs filed the Amended Complaint, the original pleading no longer performed any function in the case. Defendant has answered the Amended Complaint. Any subsequent motions Defendant makes must be directed at the amended pleading. Davis v. TXO Production Corp., 929 F.2d 1515, 1517 (10th Cir. 1991). Accordingly, the Court DENIES AS MOOT Defendant Albuquerque Public Schools' Motion for Judgment on the Pleadings as to Counts VI and I of Plaintiffs' Complaint (Doc. No. 53).

IT IS SO ORDERED.

Entered for the Court
this the 9th day of December, 2024

/s/ Joel M. Carson III
Joel M. Carson III
United States Circuit Judge
Sitting by Designation